

DELTA PROTECTION COMMISSION

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July 3, 2008

Ms. Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, California 95670

Re: Suggested Stakeholder Process for the Delta Mercury Total Maximum Daily Load (TMDL)

Ms. Creedon:

At the April 23-24 Regional Board hearing on the Delta Mercury Total Maximum Daily Load (TMDL), the Delta Mercury Collaborative (Collaborative) and other stakeholders, expressed a clear, consistent message that (1) stakeholders are willing to work on the relevant issues and (2) a collaborative stakeholder process is needed. At the end of the hearing, Board members left the hearing open and asked staff to respond to comments.

The Collaborative, together with the Central Valley Clean Water Agencies (CVCWA) and the Northern California Water Association (NCWA), believe there is valuable input to share with you regarding the stakeholder process. It is understood that staff has drafted responses to comments provided at the hearing and has also drafted a plan for a stakeholder process. The Collaborative, NCWA and CVCWA look forward to staff's responses to comments, and would like to have an active role in planning and participating in these stakeholder meetings. Stakeholders understand that the TMDL process is a challenging legal responsibility for the Board, and also believe that joint ownership of the proposed collaborative stakeholder process offers a heightened likelihood of success for all participants—including the Board.

Regarding facilitation of the stakeholder process, the Collaborative, NCWA and CVCWA encourage the Board to select a neutral party with professional facilitation and collaboration background and skills. It is important that the entire process receives—and uses in a meaningful way—the views and positions of all stakeholders. An example of such a neutral party that offers professional facilitation is the Center for Collaborative Policy at CSUS. The Center has qualifications to conduct a professional stakeholder involvement process for the Regional Board and others. In addition to their reputation as principled, neutral specialists, the Center's longstanding involvement on Delta issues offers in-depth knowledge that can provide efficiencies to the effort. The Collaborative, NCWA and CVCWA understand that the Board has been working on this TMDL for several years and that such work represents a sizable investment. This request for an expanded, collaborative process, while warranted and beneficial, will require additional resources and time. There are members of these groups willing to assist with resources needed to conduct a robust stakeholder involvement process.

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Regarding participation and possible concern that too many people will get involved, it appears that organizations will adequately self-select and limit representation based on interest and available time. It is thought that absent having the appropriate parties in a process (regardless of the size), excluding interested organizations only leads to unresolved challenges at a later date. Logistically, the Board should be able to invite broad participation via the Lyris email system, at least to the first meeting.

Regarding the process of the stakeholder meetings, multiple meetings should be considered, beginning with an initial meeting to set ground rules and begin to identify and prioritize specific issues to address. The Collaborative, NCWA and CVCWA believe that mutually acceptable conclusions to unresolved issues can be effectively reached through a series of professionally facilitated meetings.

Regarding specific issues to address, there is general agreement with staff members' focus, that the questions and amendment options discussed in the April 2008 hearing are largely appropriate and capture the main issues raised. One additional item would be to provide more details on the role, structure, and membership of the proposed Technical Advisory Committee and expected outcomes and costs of the Phase 1 studies.

The Collaborative, NCWA, and CVCWA request that in advance of finalizing the plan for stakeholder involvement the groups meet with you or convene a call to discuss this matter further.

Sincerely,



Linda Fiack
Executive Director, Delta Protection Commission
on behalf of Delta Mercury Collaborative, NCWA, and CVCWA

cc: Karl Longley, Chair

Katherine Hart, Vice Chair
Paul Betancourt, Board Member
Cheryl Maki, Board Member
Sandra Meraz, Board Member
Soapy Mulholland, Board Member
Dan Odenweller, Board Member

Delta Mercury Collaborative members and
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